

Office of Operations 2010 Fall Conference

VendRep 101

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October 2010

Today – What should you expect?

- Learn about best practices
- Know about available tools
- Understand documentation
- Get excited about VendRep!!

Terms

- Vendor – Entity contracting with NYS
- Agency – State contracting entity
- Contract – Transaction
- FEIN/EIN/TIN - Federal Employer Identification # – Taxpayer ID #

Why is Vendor Responsibility Important?

- Protects agency and State against failed contracts
- Pro-actively solves and mitigates problems
- Avoids contracting with non-responsible vendors
- Protects public funds and promotes fairness

What is a “Responsible Vendor?”

A responsible vendor is one that has the capacity to fully perform its contractual obligations, and the integrity to justify the award of public dollars.

VR Factors

- Financial & Organizational Capacity
- Legal Authority
- Integrity
- Performance

Best Tools – OSC Website

The screenshot shows the website for the Office of the State Comptroller, New York State. The header includes the title "Office of the State COMPTROLLER" and the name "NEW YORK STATE COMPTROLLER Thomas P. DiNapoli" with the state seal. A navigation bar contains links for "Our Office", "Newsroom", "Resources For...", and "Find Info About...", along with a search box. Below the navigation bar, the breadcrumb "OSC Home > VendRep Home" is visible. The main content area is divided into three columns. The left column has a vertical menu with "VendRep System", "For Vendors", and "For State Agencies". The middle column features a "Vendor Responsibility" section with a "Vendors" sub-section containing three bullet points: "Information for all vendors about doing business with the State of New York", "Special Information for Construction Vendors", and "VendRep System Checklist - Steps to start & effectively use the VendRep System". Below this is a "State Agencies" section with one bullet point: "Information for State contracting entities". At the bottom of the middle column is a portrait of Thomas P. DiNapoli and a short paragraph: "Businesses must have a level playing field to compete for opportunities with the State. My office is doing everything we can to ensure that happens." The right column has a "News" section with three entries: "06-28-2010 NEW NYS For-Profit Questionnaire Released", "11-02-2009 NYS Construction Questionnaire is new CCA-2", and "08-03-2009 How to Change Your Business Name in the VendRep System". At the bottom of the right column is a "Welcome Construction Vendors" banner featuring a yellow hard hat icon.

Office of the State
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NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli

Home | Our Office | Newsroom | Resources For... | Find Info About... | Search

OSC Home > VendRep Home

Vendor Responsibility

Vendors

- [Information for all vendors](#) about doing business with the State of New York
- [Special Information for Construction Vendors](#)
- [VendRep System Checklist](#) - Steps to start & effectively use the VendRep System

State Agencies

- [Information for State contracting entities](#)

Businesses must have a level playing field to compete for opportunities with the State. My office is doing everything we can to ensure that happens.



News

- 06-28-2010
[NEW NYS For-Profit Questionnaire Released](#)
- 11-02-2009
[NYS Construction Questionnaire is new CCA-2](#)
- 08-03-2009
[How to Change Your Business Name in the VendRep System](#)



Documentation Requirements

Office of the State **COMPTROLLER** NEW YORK STATE COMPTROLLER Thomas P. DiNapoli

Our Office | Newsroom | Resources For... | Find Info About... Search

OSC Home > VendRep Home > For State Agencies > Documentation Requirements

Vendor Responsibility Documentation Requirements for State Agencies

[PDF Version](#)

Transaction Type	Vendor Responsibility Profile	Agency Responsibility Certification	Vendor Questionnaire ¹ if valued at \$100,000 or more for the first time
New Contract	✓	✓	✓
Agreement with an estimated amount of \$100,000 or greater	✓	✓	✓
Real Estate (purchase, Sale or Lease) Except for Eminent Domain or real property sales which are required by law to sold to the highest bidder	✓	✓	✓

Agency Process

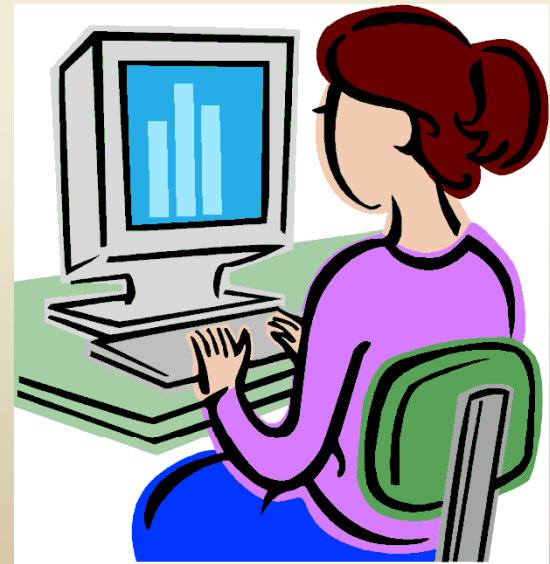
Information Collection:

- Review Vendor Responsibility Questionnaire (VRQ)
 - NYS VendRep System
 - Paper version
- Conduct independent review

Independent Review

Web Resources

<http://www.osc.state.ny.us>



Due Diligence

- Confirm/Analyze/Assess information
- Follow up with vendor
- Review performance record
- Have reasonable assurances
Vendor is responsible

Assess & Analyze

- How does issue relate to the contract?
- Does issue impact the vendor responsibility determination?

Document

- Document your assessment on the Vendor Responsibility Profile



Standard VR Profile

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Home | Our Office | Newsroom | Resources For... | Find Info About...

OSC Home > VendRep Home > > For State Agencies > Forms

VendRep System

- For Vendors
- For State Agencies**
 - Information
 - System Information
 - Login
 - Support
 - Forms**
 - Questionnaires
 - Documentation Requirements
 - Resources

Vendor Responsibility

State Agency Forms for Procurements

Profile and Agency Responsibility Certification

- Profile including Agency Responsibility Certification ([MS Word Version](#))
- Agency Responsibility Certification ([MS Word Version](#))
- Instructions for completing Profile ([PDF Version](#))

The Vendor Responsibility Profile and Agency Responsibility Certification, with applicable attachments, are designed to provide OSC with the required procurement record documentation for those contract transactions requiring vendor responsibility documentation. The Vendor Responsibility Profile includes Agency Responsibility Certification signed by an authorized signatory and documentation of the basis for the agency's determination.

VR Profile

OFFICE OF THE STATE COMPTROLLER - BUREAU OF CONTRACTS
VENDOR RESPONSIBILITY PROFILE

Part I – Contract Information
(Complete for all transactions)

1. Agency Code:	█	2. Agency Name:	█
3. Batch Number:	█	4. Contract/Purchase Order No.:	█
5. Vendor Name:	█		
<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Subcontractor	6. Vendor Federal EIN:	█
7. Transaction Amount:	\$ █	8. Total Contract Value	\$ █
9. Description of Contract:	█		

VR Profile

10. Agency Contact Name, Phone, and E-mail:	<input type="text"/>
11. Responsibility Determination	<input checked="" type="checkbox"/> Responsible <input type="checkbox"/> Non-Responsible
12. Issues Disclosed or Found:	<input type="checkbox"/> No <input type="checkbox"/> Yes (List and describe resolution in Question 13)

Issues on VR Profile

13. **Issue Detail:** *For each issue* found by the agency or disclosed by the vendor, describe the issue and its resolution.

Note: In the “Resolution” field, include the agency’s assessment of the issue, its relevance to the vendor’s responsibility for this procurement, and any corrective or mitigating actions taken by the agency or vendor in response to the issues (attach additional pages if necessary).



Issue Description	Agency Resolution
1. AG Investigation	Vendor's response was deemed to be acceptable - this information does not affect our procurement
2. OSHA Violations	Closed
3. Question 7.0	On-going



Issues on VR Profile



Issue Description	Agency Resolution
1. 2008 settlement with NY Attorney General from investigation into student loan practices	Vendor has agreed to terms under settlement and will abide by the Code of Conduct. This information has no impact on this contract.
2. 3 serious OSHA violations with fines totaling \$8050	Violations corrected on site, penalties paid, and violations are closed. Vendor updated safety procedures for future. This has no impact on our contract.

Disclosure on VR Profile

Part II – Vendor Disclosure and Agency Process

(Complete for new contracts valued at \$100,000 or more, and amendments that bring contract value to \$100,000 or more for the first time.)

G-221 states “agencies must affirmatively require disclosure by the proposed contractor of all information that the agency reasonably deems relevant to a determination of responsibility.”

14. Vendor Disclosure

Please identify the items of disclosure ***provided by the vendor***. Check all that apply and attach all pertinent information. *(OSC reserves the right to request copies of vendor disclosures the agency used in making its responsibility determination)*

- Online VendRep Questionnaire
- Hard Copy Questionnaire (must attach if used)
- Solicitation Document Responses
- Financial Statements
- Vendor Correspondence
- Vendor Website
- Other Vendor Disclosure

Describe:

Agency Process

15. Agency Process

Describe the steps *taken by the agency* to determine vendor responsibility including consideration of the vendor disclosures identified above, and the independent agency research such as Internet sources, agency records and internal and external agency communication.

Reviewed questionnaire



Agency Process



15. Agency Process

Describe the steps *taken by the agency* to determine vendor responsibility including consideration of the vendor disclosures identified above, and the independent agency research such as Internet sources, agency records and internal and external agency communication.

Reviewed questionnaire and confirmed responses by conducting searches on the following websites: Google, NYS DOS Warrants, NYS DOS Corporations, Work Comp Board, OSHA, NYS AG, OSC, and checked for WCB/DOL Debarments. In addition, our agency has worked with this vendor on numerous occasions over the past 20 years.

Agency Certification

AGENCY RESPONSIBILITY CERTIFICATION

The below named contracting entity has undertaken an affirmative review of the proposed contractor's responsibility and, based upon such review, has reasonable assurance that the proposed contractor as indicated below is:

Responsible Non-Responsible

Contract/Purchase Order Number:	██████████
Vendor Name	██████████
Signed	
Print Name	██████████
Title	██████████
Contracting Entity	██████████
Date	██████████

Non-Responsibility Finding

Part I – Contract Information

(Complete for all transactions)

1. Agency Code:	█	2. Agency Name:	█
3. Batch Number:	█	4. Contract/Purchase Order No.:	█
5. Vendor Name:	█		
<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Subcontractor	6. Vendor Federal EIN:	█
7. Transaction Amount:	\$ █	8. Total Contract Value	\$ █
9. Description of Contract:	█		
10. Agency Contact Name, Phone, and E-mail:	█		
11. Responsibility Determination	<input type="checkbox"/> Responsible <input checked="" type="checkbox"/> Non-Responsible		
12. Issues Disclosed or Found:	<input type="checkbox"/> No <input type="checkbox"/> Yes (List and describe resolution in Question 13)		

Non-Responsibility Finding



NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli

Non-responsibility fi

SEARCH

News

Non-Responsibility Finding

Vendor Responsibility Information for State Agencies

Conducting a Vendor Responsibility Review and Making a Responsibility Determination

- [What is a "responsible" vendor?](#)
- [Reasonable process for determination](#)
- [Information an agency must consider](#)
- [Evaluating a contractor's past performance](#)
- [Information that is cause to find a vendor non-responsible](#)
- [Potentially non-responsible finding process](#)
- [List of non-responsible vendors](#)
- [Standards for responsibility determinations](#)
- [Non-responsibility information after an award](#)
- [Vendor responsibility information sent to OSC](#)

SEARCH RESULTS



OSC Returned Non-Approved

What do I do now?!



Set the Stage!!

Let's Conduct a Review



First Steps

- Check Documentation Requirements Chart
- Review VR Questionnaire (paper or VendRep System)
- Check Contract Data
 - VendRep System
 - Open Book NY

Resources

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Home | Our Office | Newsroom | Resources For... | Find Info About...

OSC Home > VendRep Home > Web Resources

VendRep System

- For Vendors
- For State Agencies
- Information
- System Information
- Login
- Support
- Forms
- Questionnaires
- Documentation Requirements
- Resources
- FAQs

Web Resources

The links below provide access to information resources that a vendor may find helpful to check their own information relative to vendor responsibility. Each resource has a short description and the link to the applicable website.

The Office of the State Comptroller does not endorse these resources or guarantee their accuracy. Click on a subject to view resources available for that subject.

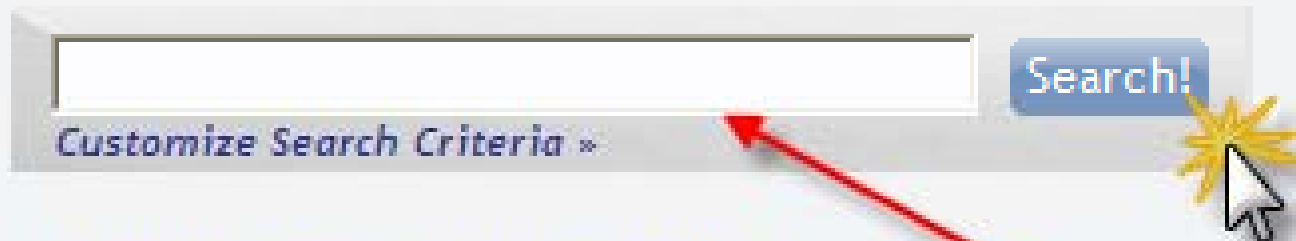
- [Legal/Regulatory Authority to Do Business](#)
- [Integrity](#)
- [Financial and Organizational Capacity](#)
- [Performance](#)
- [General Resources](#)


[Web Resource Guide - printer-friendly version \(PDF\)](#)

DOS Corporation Search

Corporations & Licensing Services

- Search the Corporation/Business Entity Database



Search! 

[Customize Search Criteria »](#)

- Register a New Business Entity »
(Corporation, Not-for-Profit, LLC, LLP, LP)
- Search the Licensee Database »
- File a Complaint Against a Licensee »
- eAccessNY » *(Real Estate Licensing Management)*

DOS Tax Warrants

Search the State Tax Warrant Notice System

The New York State Department of Taxation and Finance ("DTF") files tax warrants in county clerks' offices throughout the state. Pursuant to section 6 of the Tax Law, DTF sends the Department of State a notice of the fact that such tax warrants have been filed. The Department of State maintains an electronic database of the tax warrant-related notices presented by DTF. These notices may be searched by taxpayer name, by taxpayer city, by county of tax warrant filing, or by any combination of the foregoing.

The information contained in this database is current up to July 15, 2010

Search Criteria: *(Items marked with * are required)*

1. Taxpayer Name*:



2. City specified in warrant address record:

3. County in which warrant is filed:

4. Warrant Notice Status: OPEN ALL

Workers Comp & Disability

Employer Search Criteria

Search by Employer Name

(Enter a word or partial word of the beginning part of the employer's name. The search will return employers that begin EXACTLY with the portion entered.)

Employer Name:

For example, 'American' will return 'American Industry', but not 'Great American'

DOL & WCB Debarments

New York State Department of Labor

David A. Paterson, Governor

NY State Agency Debarment List

Colleen C. Gardner, Commissioner

Click State Agency for more information:

- ▶ [Department of Labor \(DOL\)](#)
- ▶ [Workers Compensation Board \(WCB\)](#)

Search Agency: DOL WCB

SSN/FEIN:

Employer Name:

Employer DBA Name:

City:

State:

[Only DOL Search](#)

Article Number: Article 8 Article 9 Both

[Only WCB Search](#)

WCB Employer Number:

EPLS

EPLS

Excluded Pa



Search - Current Exclusions

- > [Advanced Search](#)
- > [Multiple Names](#)
- > [Exact Name and SSN/TIN](#)
- > [MyEPLS](#)
- > [Recent Updates](#)
- > [Browse All Records](#)

View Cause and Treatment Code Descriptions

- > [Reciprocal Codes](#)
- > [Procurement Codes](#)
- > [Nonprocurement Codes](#)

Agency & Acronym Information

EPLS Multiple Name Search

Name Search Type	First	Last
Individual (Basic) <input type="button" value="v"/>	<input type="text"/>	<input type="text"/>
Name Search Type	First	Last
Individual (Basic) <input type="button" value="v"/>	<input type="text"/>	<input type="text"/>
Name Search Type	First	Last
Individual (Basic) <input type="button" value="v"/>	<input type="text"/>	<input type="text"/>
Name Search Type	Name	
Firm, Entity, or Vessel <input type="button" value="v"/>	<input type="text"/>	
Name Search Type	Name	
Firm, Entity, or Vessel <input type="button" value="v"/>	<input type="text"/>	
Name Search Type	Name	
Firm, Entity, or Vessel <input type="button" value="v"/>	<input type="text"/>	

Attorney General



OSHA

 **UNITED STATES DEPARTMENT OF LABOR**

A to Z Index | E

OSHA  RSS F

Occupational Safety & Health Administration **We Can Help**

Home Workers Regulations Enforcement Data & Statistics Training Publications

This page enables the user to search for OSHA enforcement inspections by the name of the establishment. Information may also be obtained for a [specified inspection](#) or inspections within a [specified SIC](#). See also search parameter [instructions](#).

 **Note:** Please read important information below regarding interpreting search results before using.

Establishment

State All States Fed & State

OSHA Office All Offices

Case Status Closed Open


Inspection Date

Start Date June 25 2005

End Date June 25 2010

Better Business Bureau

LOGIN Español | Contact Us | Find a BBB | Site Map | Text Size Search Enter Search Term GO

 [For Consumers](#)
[For Businesses](#)
[For Charities and Donors](#)
[About Us](#)
[News Center](#)

Better Business Bureau®
Start With Trust
In Albany, Buffalo, Rochester & Syracuse regions

Find information you're looking for. I want to...

Home > For Consumers > Check Out a Business or Charity

Check Out a Business or Charity

Business/Charity Name **Type of Business** **Phone, URL, Email**


Business/Charity Name:


Optional Address Search


City:

State/Province: **New York** ▼


Postal Code:

 **What is a BBB Accredited Business?**
Learn More



 Help

Be A Savvy CONSUMER
GET TIPS



Google

Web [Images](#) [Videos](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more](#) ▼

[Search settings](#) | [Sign in](#)

Google

Advanced Search

[Advanced Search Tips](#) | [About Google](#)

Name 

investigat OR penalt OR bankrupt

Find web pages that have...

all these words:

this exact wording or phrase: [tip](#)

one or more of these words: OR OR [tip](#)

But don't show pages that have...

any of these unwanted words: [tip](#)

Additional Information

- Agency legal staff
- State Comptroller
 - www.osc.state.ny.us/vendrep/
 - VendRep Team (OSC Help Desk)
- Procurement Council
 - <http://www.ogs.state.ny.us/procurecouncil/pdfdoc/BestPractice.pdf>

OSC Contact

- OSC Help Desk
 - 866-370-4672 or 518-408-4672
 - HelpDesk@osc.state.ny.us
- VendRep Website
 - www.osc.state.ny.us/vendrep

Thank you!!